

1 Q. Okay. That's not something you look at or use
2 in your election responsibilities, or do you?

3 A. No, not really.

4 Q. Okay. Is that something you can find easily?
5 I see you have your computer.

6 A. If I can go on-line, but I don't think I have
7 wifi in here.

8 Q. Okay. Well, I don't want to keep you there
9 then. All right. What about, you testified there was
10 approximately 140,000 registered voters in Jefferson
11 County?

12 A. Right, uh-huh.

13 Q. Okay. Do you have any knowledge of what the
14 racial breakdown of the -- of that number is, of the
15 registered voters?

16 A. I think it's over 50 -- over 50-something --
17 over 50 percent minority, I know.

18 Q. Okay. And by minority, you're referring to
19 African-American, Latinos?

20 A. Right.

21 Q. Do you have -- do you know how that 140,000
22 person number breaks down in terms of Republicans versus
23 Democrats in Jefferson County?

24 A. I can tell you probably the majority here --
25 normally, Jefferson County is a Democratic -- Democrat

1 county.

2 Q. Okay.

3 A. But I can't tell you how it breaks down.

4 Q. Okay. Do you have an estimate of what you
5 think it would be?

6 A. An estimate, if I had to estimate, I would say
7 we're probably at least -- I don't know. 75, 80 percent
8 Democrat.

9 Q. Okay. And you, yourself, are a Democrat;
10 correct?

11 A. Yes, sir, I am.

12 Q. Okay. And you said you first ran for the
13 county clerk's office in 2004?

14 A. That's correct.

15 Q. And you took over, or ran for another
16 unexpired term, or for -- is that the correct term?

17 A. Right, unexpired term, right.

18 Q. And who did you replace that year?

19 A. I replaced -- there was an interim county
20 clerk, but Sandy Walker had retired --

21 Q. Okay.

22 A. -- the previous year.

23 Q. Okay. And what is your term of office, normal
24 term of office?

25 A. Four years.

1 Q. Okay. So you ran in 2004. So you ran again
2 in 2006?

3 A. That's correct.

4 Q. And obviously, were re-elected?

5 A. Right.

6 Q. And then ran again in 2010?

7 A. Right.

8 Q. And obviously, were elected. Are you up this
9 year?

10 A. Yes, I am.

11 Q. Okay. So you're currently running?

12 A. Right.

13 Q. All right. I take it -- you mentioned earlier
14 that you, yourself, have a driver's license?

15 A. Yes, sir, I do.

16 Q. Okay. Do you have any of the other forms of
17 ID in addition to your driver's license that S.B. 14
18 calls for?

19 A. Yes, sir, I have a passport.

20 Q. Okay.

21 A. That's it.

22 Q. Okay. So either one of those are acceptable
23 for voting; correct?

24 A. Right.

25 Q. If you -- if you want to take your passport

1 when you go vote, you can take it. Or if you want to
2 take your driver's license, you can take it; right?

3 A. Right.

4 Q. If you had one in your car and don't have the
5 other, you can pick the one you want; right?

6 A. Right.

7 Q. Okay. And have you had any problems,
8 personally, voting with S.B. 14 in effect?

9 A. No, sir.

10 Q. Okay. Are you married?

11 A. No, sir.

12 Q. Okay. Has anyone in your immediate family had
13 any problems with the requirements of S.B. 14 voting?

14 A. No, sir.

15 Q. Okay. Are you personally acquainted with any
16 friends or neighbors who have told you that they cannot
17 obtain the necessary photo ID to allow them to vote?

18 A. No, sir.

19 Q. Okay. Do you attend a church?

20 A. Yes, sir.

21 Q. Okay. Do election discussions ever come up
22 during church, before or after?

23 A. Yes.

24 Q. I would think so. Has anyone told you at
25 church that they have not been able to obtain the

1 appropriate ID to allow them to vote in elections?

2 A. No. No, sir.

3 Q. Okay. If anyone was to tell you that they

4 were having difficulty obtaining the appropriate photo

5 ID to vote in an election, what would you tell them?

6 A. Well, I can make recommendations. Or it

7 depends on how old they are, I would probably tell them

8 to vote by mail.

9 Q. Okay. And I think you mentioned earlier that

10 more and more senior citizens seem to be voting by mail.

11 A. That's correct.

12 Q. Okay. And does voting by mail -- that's not

13 something everybody gets to do; right?

14 A. No, there's requirements.

15 Q. Right. I mean, I would like to vote by mail,

16 but I can't because I'm not over 65; right?

17 A. Uh-huh.

18 Q. Has anybody told you that they don't want to

19 vote by mail but are just doing so because they can't

20 get an ID?

21 A. No.

22 Q. Okay. Do you attend the county Commissioners

23 Court hearings?

24 A. Every day -- every Monday.

25 Q. Okay. And does the public attend those

1 hearings also?

2 A. Sometimes, yes, sir.

3 Q. Okay. During those hearings, have you heard

4 any of the citizens of Jefferson County making

5 complaints to the Commissioners Court that they have

6 been unable to obtain photo IDs that would allow them to

7 vote?

8 A. No, sir.

9 Q. Okay. Has that issue even come up, to your

10 knowledge, at any of the Commissioners Court hearings

11 that you've attended?

12 A. No, it has not.

13 Q. Okay. Have you found the Commissioners Court

14 to be supportive of your efforts to educate voters about

15 S.B. 14's requirements?

16 A. They have been.

17 Q. Okay.

18 A. They could give me some more money.

19 Q. Okay. We would all like more money; right?

20 A. Yeah.

21 Q. Okay. Have they -- putting S.B. 14 aside for

22 the moment, has the Commissioners Court generally been

23 supportive of your office's attempt to educate the

24 voters about any election issues?

25 A. Yes, sir.

1 Q. Okay. In other words, your efforts to educate
2 voters did not begin when S.B. 14 went into effect;
3 correct?

4 A. No, sir.

5 Q. There was lots of issues that you work to
6 educate voters on that have nothing to do with S.B. 14;
7 correct?

8 A. Yes, sir.

9 Q. Could you tell us about -- I guess, S.B. 14
10 came into effect, or was implemented, or began to be
11 implemented in 2013.

12 What type of issues do you recall between
13 2004 and 2013? What type of educational issues did your
14 office undertake with respect to voters?

15 A. Well, I guess the first one is when we went
16 electronically, we changed from punch cards to voting
17 electronically. So, of course, we had to educate voters
18 on that. That was the first voter education that we
19 did.

20 Q. Okay. And was that after the --

21 A. That was in 2006.

22 Q. Okay. And who paid for that voter education?

23 A. Actually, we had HAVA grant money to do that.
24 That was federally funded.

25 Q. Okay. All right. Any other issues that you

1 can recall, educational issues?

2 A. After HAVA, recently we went to vote centers,

3 so we're able to vote countywide now on election day.

4 Q. Okay.

5 A. Commissioners paid for that, so that we can

6 educate people as far as being able to vote on election

7 day anywhere in the county.

8 Q. Okay.

9 A. We've done some voter education on that this

10 past year.

11 Q. Do you undertake any type of voter education

12 just with respect to when the primaries are going to be

13 held, you know, locations, times, that type of thing?

14 A. Yeah, we've done that on polling location

15 changes.

16 Q. Okay.

17 A. Early voting.

18 Q. Okay.

19 A. Where to vote.

20 Q. And who pays for that type of advertising?

21 A. The Commissioners Court.

22 Q. Okay. Now, how would you characterize your

23 office's working relationship with the Texas Secretary

24 of State elections division?

25 A. We have a good working relationship with them.

1 Q. Okay. And if you have a question about
2 S.B. 14, or anything else, are you able to contact the
3 Secretary of State's office and ask those questions?

4 A. Yes.

5 Q. And are they responsive to you?

6 A. Yes.

7 Q. Okay. Are there people in the election
8 division that you know personally by name, that you call
9 when you have a question about something?

10 A. The ones that's left.

11 Q. I know there's been some changes.

12 A. They had a big turnover, yes.

13 Q. Right. Who are the ones that are still there
14 that you can call and ask a question to?

15 A. Well, I guess Melanie Huff is still there. I
16 think Melanie Huff is still there.

17 Q. I believe so.

18 A. Mostly, I talk to the elections fund division
19 which is Dan Glosterman.

20 Q. Okay. So if you have a question on elections,
21 at least from the state side, or the Secretary of
22 State's side, they are there willing to talk to you and
23 willing to give you the answers; correct?

24 A. Right.

25 Q. Okay. And also, do you receive e-mails

1 frequently from the Secretary of State's office?

2 A. We get advisories all the time.

3 Q. Okay. And do those come out on a fairly
4 frequent basis?

5 A. Yes, they do.

6 Q. Okay. And what type of advisories do you
7 typically get from the Secretary of State's office?

8 A. Just like when we got the advisory to update
9 when they decided to implement the photo ID, when it was
10 going to go into effect, just those type of advisories.

11 Q. Okay. Who develops the various types of forms
12 that were used in elections?

13 A. I guess they come from the Secretary of State.

14 Q. Okay. The Secretary of State is the -- I
15 can't think of the word. They give the form to the
16 various counties to duplicate; correct?

17 In other words, the Secretary of State
18 doesn't give you a big packet of forms for everybody,
19 sufficient for everybody to vote in Jefferson County;
20 correct?

21 A. Right.

22 Q. They give you the template, that's what I'm
23 trying to think of.

24 A. Right.

25 Q. And then Jefferson County pays to duplicate or

1 create those forms; correct?

2 A. Right.

3 Q. Okay. And has that been the system since
4 you've been in office, or came into office in 2004?

5 A. Yes.

6 Q. Okay. Has anything about the passage of
7 S.B. 14 changed the process between what Jefferson
8 County pays for in terms of generating the forms that
9 are used in elections?

10 A. I don't quite understand the question.

11 Q. Okay. You testified -- there was a lot of
12 testimony and questioning earlier about the cost to the
13 county in generating certain forms and certain
14 activities with respect to S.B. 14.

15 My question is: Before S.B. 14 came into
16 effect, was the county responsible for the cost of all
17 the forms it created or duplicated after the Secretary
18 of State gave the forms to the county?

19 A. Yeah, we were responsible for our forms.

20 Q. Okay. And that was the same before S.B. 14
21 came into effect as it is today; correct?

22 A. That's correct.

23 Q. All right. So S.B. 14 has not cost the county
24 any more money with respect to the duplication of forms,
25 or any more money than it would have been paying prior

1 to S.B. 14; correct?

2 A. Well, I don't necessarily agree with that. It
3 costs more in the fact that we had to change forms that
4 we had an abundance of, yeah.

5 Q. Okay. But every time there's a change in the
6 template of forms that the Secretary of State sends to
7 the counties --

8 A. Right.

9 Q. -- then the counties bear that cost; correct?

10 A. Right.

11 Q. Whether it be because of S.B. 14 or with
12 respect to some other issued with the form?

13 A. Right.

14 Q. S.B. 14 was not an unusual situation in that
15 it required the counties to expend monies to change the
16 forms that were going to be used; correct?

17 A. Right. It was just another unfunded mandate.

18 Q. Right.

19 A. We're kind of used to those.

20 Q. Right.

21 A. Yeah.

22 Q. And most of the election activities of the
23 count is unfunded mandates from the state; correct?

24 A. Unfortunately.

25 Q. From the state or the federal government;

1 correct?

2 A. Right.

3 Q. Okay. And speaking of the federal government,

4 has the Department of Justice offered to come in and

5 help educate voters with respect to the requirements

6 S.B. 14?

7 A. No, they have not.

8 Q. Okay. Has the Department of Justice contacted

9 your office and given any suggestions on how to help the

10 citizens and the voters of Jefferson County get a handle

11 on this voter ID issue?

12 A. No, they have not.

13 Q. Has any groups or private organizations

14 contacted you and offered to give you assistance in

15 educating voters of Jefferson County about the

16 requirements of S.B. 14?

17 A. No, they have not.

18 Q. Okay. Are you familiar with who the various

19 plaintiffs are in this particular lawsuit that we are

20 here today -- here on today?

21 A. I'm familiar with a few of them.

22 Q. Okay. To your knowledge, has any of the

23 plaintiffs in the lawsuit we're here on today contacted

24 you and offered to work with your office in an effort to

25 make certain that all the voters of Jefferson County are

1 educated about how -- about the requirements of S.B. 14?

2 A. No, they have not.

3 Q. Okay. Would you welcome that assistance if

4 they were to offer it?

5 A. Yes, I would.

6 Q. Okay. Now, S.B. 14 was implemented, I think,

7 in June of 2013; correct?

8 A. Right.

9 Q. And then the next election in which it was put

10 into place was the constitutional amendment election in

11 November of 2013; correct?

12 A. That's correct.

13 Q. Okay. And I believe you testified that there

14 were no provisional ballots cast during the 2013

15 constitutional amendment election.

16 A. That's correct.

17 Q. Okay. Did anyone come to you while the

18 election was going on, the 2013 constitutional amendment

19 election, and tell that you there was some issue with

20 respect to S.B. 14 that was causing problems at any of

21 the polling locations?

22 A. No one did.

23 Q. Okay. Do you know of anyone being turned away

24 from the polls during the constitutional election,

25 constitutional amendment election of 2013 because they

1 did not have a photo ID?

2 A. No, I do not.

3 Q. Okay. Now, you mentioned earlier that there
4 may have been some issues with respect to
5 substantially-similar names in the 2013 constitutional
6 amendment election; is that correct?

7 A. I think it was in the March primary elections,
8 sir.

9 Q. Okay. Well, let me ask it this way then:

10 During the constitutional amendment election of 2013, to
11 your knowledge, was there any issues raised to you with
12 respect to problems caused by the substantially-similar
13 name aspect of S.B. 14?

14 A. Were there any problems raised?

15 Q. Right.

16 A. Not that I'm aware of.

17 Q. Okay. Now, you testified in -- and I guess
18 we'll get more into it in 2014, but you testified that
19 you think that there is an affidavit form that a voter
20 has to filled out when their name is substantially
21 similar, but not an exact match; is that correct?

22 A. That's correct.

23 Q. Okay. Have you heard of the terminology
24 "combination form"?

25 A. Yes, sir.